



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0595	Title:	Increase license suspension for refusing blood alcohol test
Primary Sponsor:	Dickenson, Sue	Status:	As Introduced

- | | | |
|-----------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$17,595	\$23,460	\$23,460	\$23,460
Revenue:				
General Fund	\$34,988	\$46,650	\$46,650	\$46,650
Net Impact-General Fund Balance	<u>\$17,393</u>	<u>\$23,190</u>	<u>\$23,190</u>	<u>\$23,190</u>

Description of Fiscal Impact:

The fiscal impact reflect the potential increase to Montana Highway Patrol prisoner per diem costs due to this measure, as well as potential fine revenue to offset those expenses.

FISCAL ANALYSIS

Assumptions:

Department of Justice – Montana Highway Patrol (MHP)

1. The five year average of refusals of either the preliminary alcohol screening test (P.A.S.T.) or subsequent tests as part of a DUI investigation is 2,300 per year.
2. The MHP is responsible for approximately half of all alcohol related traffic charges in Montana, so for purposes of these assumptions, that is 1,150 per year.
3. Of the 1,150 per year, it is assumed that 311 will be second or subsequent refusals as mentioned in new section #4 of the bill. This is based upon percentages of first, second, and third DUI offenses.
4. Of the 311 second or subsequent refusals, the MHP assumes that 23 of those will be felonious under new section 4, subsection 2 of the bill.

5. Absolute liability is imposed under new section 4, subsection 4 and that limits any fine for violations of this measure to no more than \$500. The MHP assumes that the average fine amount will be approximately \$300.
6. Half of MHP fines go to the state general fund and the other half to the county in which the citation or charge was filed.
7. Based on the above assumptions, the state general fund could receive \$46,650 per year in fine revenue (311 refusals * \$300 fine / 2 = \$46,650).
8. For the felony charges, it is assumed that the 23 persons charged per year will spend an average of 15 days in the county jail prior to trial.
9. Jail costs for the MHP average \$68 per day.
10. The cost for 345 (23 persons * 15 days = 345 days) jail days is approximately \$23,460 (\$68/day * 345 days = \$23,460).
11. It is assumed that should this bill become law that it will become effective on October 1, 2007, and revenue figures for FY2008 reflect this assumption.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses - Per Diem	\$17,595	\$23,460	\$23,460	\$23,460
<u>Funding of Expenditures:</u>				
General Fund (01)	\$17,595	\$23,460	\$23,460	\$23,460
<u>Revenues:</u>				
General Fund (01)	\$34,988	\$46,650	\$46,650	\$46,650
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$17,393	\$23,190	\$23,190	\$23,190

Effect on County or Other Local Revenues or Expenditures:

There would be a similar effect on revenue to the counties.

Technical Notes:

The increase of suspension for refusing the P.A.S.T is greater than the implied consent, two years versus eighteen months.

Sponsor's Initials

Date

Budget Director's Initials

Date